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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: | Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley<br>and Sean P. Skubitz |
| Application No.:      | 09/197278   |
| Filed:                | November 20, 1998   |
| For:                  | Improved Longitudinally Flexible Expandable Stent                                   |
| Examiner:             | Vy Q. Bui   |
| Group Art Unit:       | 3731  |

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2B-6769-US01

## AMENDMENT

This Amendment is in response to the Office Action dated June 1, 2004.

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

Please amend the application as follows:

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**Amendment**  
**Attorney Docket No. S63.2B-6769-US01**

motivation to omits connectors from Mathis which would be necessary for the paths to span a plurality peaks and troughs. As discussed above with respect to claim 39, removing structure from the Mathis stent would result in larger gaps, contrary to the purpose of the Mathis patent. Also, as discussed above, there is no motivation to both remove connectors from Mathis and to introduce bands of different amplitude.

At least for this reason, claim 56 is patentable over the proposed combination of references.

**Allowable Subject Matter**

Claim 49 has been found to contain allowable subject matter. In light of the above discussion concerning base claim 46, claim 49 is believed to be in condition for allowance. Notification to that effect is requested.

**Conclusion**

At least for the above reasons, Applicant requests that the rejections be withdrawn and that the application be passed to issuance.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: November 1, 2004

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